

**MINUTES  
FOR THE REGULAR MEETING  
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD  
Docket No. 5460**

**1. Opening of Meeting:**

The Appeals Board convened at 10:30 a.m., September 6, 2005 in Sacramento with Chair Cynthia K. Thornton presiding.

<b>2. Roll Call: <u>Members</u></b>	<b><u>Present</u></b>	<b><u>Absent</u></b>
Cynthia K. Thornton, Chair	x	
Ann Richardson, Vice Chair	x	
Virginia Strom-Martin	x	
Jack Cox	x	

**3. Approval of the Minutes:**

Three revisions were made to the August 2005 minutes.

The first correction is in the fourth line of the second paragraph on page two, corrected to insert the word "request" to now read, "We made the request for planning purposes...".

The second revision is in the fourth paragraph of the same page to include the fact that Tim McArdle was also in attendance at the Clear-to-There meeting with Paul Prestwich.

The third and final correction is on page three, second paragraph, penultimate line regarding the potential for regionalizing and centralizing the verification and calendaring process, to include reference for also standardizing the calendaring process.

With these three revisions, all members approved the August 2005 minutes.

**4. Chair's Report:**

Chair Thornton simply noted that she is happy to still be with the Board.

**5. Chief Administrative Law Judge/Executive Director's Report:**

Executive Director/Chief Administrative Law Judge Jay Arcellana reported that there was an oral argument in Los Angeles last week, and he commended the staff for all of the hard work that went into hosting that event.

Executive Director/Chief Administrative Law Judge Arcellana also reported several meetings have taken place regarding the digital recording project, and that the

project appears to be on track as planned. However, support and training level infrastructure issues have revealed that the schedule may be a little ambitious at this point. Per our processes, P&PM staff have been assigned to address those issues.

Executive Director/Chief Administrative Law Judge Arcellana reported that PALJ Tim McArdle was in Mississippi two weeks ago, just before the hurricane hit, to conduct NJ training with the staff. He had some notable observations. One was that due to relatively small staffing and workload levels, their operational systems are rather elementary and unsophisticated. Another is that their Judges hear forty cases a week, pretty much the standard across the nation.

Chair Thornton inquired as to whether they do in-person hearings, or telephone hearings, to which Executive Director/Chief Administrative Law Judge Arcellana responded that they do a mixture of both.

Executive Director/Chief Administrative Law Judge Arcellana further reported that P&PM Branch has completed the customer surveys, an effort for which they should be commended.

Executive Director/Chief Administrative Law Judge Arcellana noted that CUIAB staff assisted the Agriculture Labor Relations Board in one of the labor union elections for which they are responsible. This election was apparently the largest election they have ever administered.

Finally, Executive Director/Chief Administrative Law Judge Arcellana reported that he had the opportunity to meet with PALJ Margaret Ellison, and that she is planning to disability retire on November 17, 2005. She says hello to everyone. She is still struggling with health issues but is in good spirits.

## **7. Branch Reports:**

- a. Executive Director/Chief Administrative Law Judge Arcellana reported that last month Amy Oppenheimer was formally and officially named Presiding Administrative Law Judge in the Oakland Office of Appeals. She has been in that position since Steve Angelides transferred to Appellate Operations. There were, technically, no other candidates for the position, so it is apparent that the CUIAB is still having recruitment issues at the PALJ level. However, please do not interpret that comment to mean that Ms. Oppenheimer wouldn't have been chosen in any event, as she is clearly well-qualified for the position, and we are fortunate that she applied for the position. Also, interviews were conducted last week in Oakland for the LSS II position. Two candidates were interviewed, and an announcement will be made next week.

Executive Director/Chief Administrative Law Judge Arcellana also reported that training will be conducted this week for new PALJ's on quality review issues.

Executive Director/Chief Administrative Law Judge Arcellana introduced Eleanor Nisperos, who will be following in Margaret's footsteps as the PALJ over Field Operations Headquarters. He also introduced Lou Sotelo, the PALJ in Fresno.

Executive Director/Chief Administrative Law Judge Arcellana reported that the CUIAB has made some new ALJ hires, two in Sacramento, one in Oxnard and one in Inland.

An advertisement went out for the PALJ position in Oxnard, and unfortunately there were no candidates who are eligible for the position. As mentioned earlier, there are severe recruitment issues at the PALJ level. We may be seeking a meeting with DPA to address this problem.

Chair Thornton inquired about the current ALJ list. She stated that she is aware the Department of Industrial Relations has borrowed from our list.

Executive Director/Chief Administrative Law Judge Arcellana responded that our list was created about three years ago, and a supplemental test was given two years later; the lists were then merged. We intend to give another exam sometime this year to create a new ALJ list.

Finally, Executive Director/Chief Administrative Law Judge Arcellana reported he met with Los Angeles Office of Appeals PALJ Zaida Hacket last week, and that her office is running very smoothly. He also commended PALJ Hacket and her staff for hosting the oral argument and for the wonderful luncheon given afterward.

- b.** Deputy Chief ALJ, Appellate Operations Steve Angelides reported that the vacant LSS I position at Appellate Operations has been filled by Maria Guzman-Yee. Ms. Guzman-Yee started with the Sacramento Office of Appeals in 1991. She moved from there to the Chief's Office/Tax Unit and then onto EDD in 2001. She has rejoined the CUIAB with extensive experience and will be the new LSSI over the registration unit of Appellate Operations.

Chair Thornton offered Ms. Guzman-Yee a warm welcome on behalf of the Board.

Deputy Chief ALJ Steve Angelides also reported that ALJs Mike Canar and Tamara Pierson have announced their retirements as of the end of the year. After these retirements, the number of ALJ's at Appellate Operations will about right for the current work load, so it is not anticipated that they will be replaced in the foreseeable future. If the workload does increase, there are retirees that can work at that point in time.

Deputy Chief ALJ Steve Angelides thanked the Appellate Operations ALJ's for hosting a reception this morning in the Library for the Board Member's. He also commended the ALJ's who prepared the oral argument binders. Although only

one of the two scheduled oral arguments was heard, the preparation binders were very informative and well thought-out. The case that was heard may be considered for a possible precedent.

Four Appellate Operations ALJs went to Bakersfield and Visalia last week to assist the Agriculture Labor Relations Board in the first election they have had in three years. It was also the largest election they have ever had. A total of 2500 migrant farm workers voted and it was an amazing process. The volunteers went out into the fields to find the work crews and set up voting booths and polls right there between the crops. Two of the four ALJ's had worked for the ALRB previously.

Lastly, Deputy Chief ALJ, Appellate Operations Steve Angelides reported that the August work load numbers are not ready yet because of the holiday, but they will be available for the September 28<sup>th</sup>, 2005 Board meeting.

- c. Deputy Director, Administrative Services Branch Pam Boston reported that the Personnel Unit is working on several exams currently; among them for Staff Services Manager I, II and III; Business Services Officer II; Executive Secretary I; Staff Counsel III; and Staff Information Systems Analyst, Supervisor and Specialist. Exam analyst, Gail Johnson, has been extremely busy in preparing these exams.

Deputy Director Pam Boston also reported that Wellness Coordinator, Kim Langan, has been working on the American Heart Association Campaign and its fifth annual California State Employee Walk. CUIAB has decided to honor Mike DiSanto in the walk, and Mike and his wife Mary are planning to attend. The walk will take place on September 13, 2005 at the State Capital.

Lastly, Deputy Director Pam Boston introduced two new IT staff: Ali Dorostkar is the new Server Administrator, and Ana Chin is a new programmer.

- d. Deputy Director, Planning and Program Management Branch Mary Walton-Simons reported that the customer survey is now complete. It was a four week survey that started August 8<sup>th</sup> and ended on September 2<sup>nd</sup>. All offices were surveyed as requested by the Board. The data is currently being analyzed and the results should be in by the next Board Meeting. The comments section of the surveys may take a little more time to compile.

Chair Thornton inquired whether the P&PM staff that handed out the surveys would be comparing ideas and comments received while conducting the survey.

Deputy Director Mary Walton-Simons replied that a debriefing meeting has already been scheduled. She also gave recognition to the 14 P&PM staff members who volunteered to help conduct the survey.

Deputy Director Mary Walton-Simons went on to report that she, Renee Erwin

and Joyce Bernatzke conducted PALJ overview training in San Diego, Fresno and Sacramento, with the next training scheduled for Oxnard when an appointment is made.

Lastly Deputy Director Mary Walton-Simons reported that she received a phone call from Jack Bright, Department of Labor, to advise he is starting the workshops for the triennial for the NAUIAB (National Association of Unemployment Insurance Appellate Boards) conference this coming June. Mr. Bright is hoping to develop a certification program for the administrative and support staff members of NAUIAB, similar to what was done for the Judges.

**6. Chief Counsel's Report:**

Chief Counsel Ralph Hilton reported that seven new court cases were filed last month, and two were closed, both of which affirmed the Board. The current caseload is at 117 cases. (Attachment A) The Board's case load report is set forth in Attachment B.

Chief Counsel Ralph Hilton went on to report that one new grievance has been filed by CASE, and another mentioned to him as a possibility. The new grievance is about Language Line; apparently CASE is concerned that it could be mandatory, specifically complaining about a situation where its use was required of an ALJ when no in-person interpreter could be found. The potential grievance relates to the customer survey and CASE's concern that the CUIAB might use survey results to discipline an ALJ, despite assurances that there has never been any intent to so use the survey. Chief Counsel Ralph Hilton added that the customer survey is not being made available to any of PALJs

Deputy Director Mary Walton-Simons advised that the survey stated it was confidential information, and the surveys were handed out and collby other Unemployment Insurance Appellate Boards.

**9. Unfinished & New Business:**

There was no unfinished or new business to conduct.

**10. Public Comment:**

There was no public comment.

**11. Closed Session:**

The regularly scheduled Board meeting adjourned, and the Board went into closed session. No votes were taken on any matters in closed session.